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PTO/SB/21 (09-04)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/694,627	
	Filing Date	October 27, 2003	
	First Named Inventor	Borgmeier et al.	
	Art Unit	3739	
	Examiner Name	L. Cohen	
Total Number of Pages in This Submission	4	Attorney Docket Number	1258.01-6172US ()

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Response to Notice of Non-Compliant Amendment dated January 20, 2006  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) ____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>  The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 AND 1.17 TO Deposit Account 20-1469 during pendency of this application.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	TraskBritt, P.C.		
Signature			
Printed Name	Brick G. Power		
Date	February 14, 2006	Reg. No.	38,581

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Borgmeier et al.

**Serial No.:** 10/694,627

**Filed:** October 27, 2003

**For:** APPARATUS FOR  
NONINVASIVELY MEASURING  
HEMATOCRIT AND ASSOCIATED  
METHODS

**Confirmation No.:** 2621

**Examiner:** L. Cohen

**Group Art Unit:** 3739

**Attorney Docket No.:** 1258.01-6172US

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February 14, 2006  
Date

Signature

Erika Gandre  
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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Response follows the Notice of Non-Compliant Amendment (37 C.F.R. 1.121) of January 20, 2006, the one month statutory period for response to which is set to expire on February 20, 2006.

In the Notice of Non-Compliant Amendment, it was asserted that a complete listing of the claims was not presented in the Amendment of January 13, 2006. Specifically, the Notice indicates that claim 52 is missing.

A review of the as-filed application indicates that it was filed with fifty-one (51) claims. No additional claims have been introduced in the above-referenced application. Thus, the only

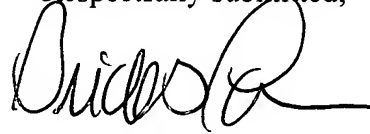
claims that have been presented in the above-referenced application are originally-filed claims 1-51, as amended in the Amendment of January 13, 2006; there is not and has not been a claim 52. Therefore, the listing of the claims that accompanied the Amendment of January 13, 2006, was complete.

Accordingly, it is respectfully requested that the Office correct its records with respect to the claims that are pending in the above-referenced application and withdraw the Notice of Non-Compliant Amendment.

An early and favorable action on the merits of claims 1-20 is respectfully solicited.

If any issues remain that might be resolved by way of a telephone conference, the Office is kindly invited to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power", written over a horizontal line.

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